

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL  
MINUTES

June 14, 2016

The meeting of the Arizona Prosecuting Attorneys' Advisory Council was called to order by APAAC Chair Sheila Polk on Tuesday, June 14, 2016, at 2:00 p.m. at the J.W. Marriott Starr Pass Resort in Tucson, Arizona.

COUNCIL MEMBERS PRESENT

Sheila Polk	APAAC Chair, Yavapai County Attorney
Brad Carlyon	APAAC Vice Chair, Navajo County Attorney
Kenneth Angle	Graham County Attorney <i>(at 2:14 p.m.)</i>
Brad Beauchamp	Gila County Attorney
John Belatti	Mesa City Prosecutor
Ryan Glover	Glendale City Prosecutor
Vicki Hill	Phoenix City Prosecutor
Barbara LaWall	Pima County Attorney <i>(at 2:20 p.m.)</i>
Brian McIntyre	Cochise County Attorney
Alan Merritt	Tucson City Prosecutor
Bill Montgomery	Maricopa County Attorney <i>(at 2:24 p.m.)</i>
Derek Rapier	Greenlee County Attorney
Tony Rogers	La Paz County Attorney
Tobin Sidles	Oro Valley Town Prosecutor
Jon Smith	Yuma County Attorney
Lando Voyles	Pinal County Attorney

COUNCIL MEMBERS PRESENT BY PROXY

Mark Brnovich	Arizona Attorney General Proxy Mike Bailey
David Byers	Arizona Supreme Court Administrative Director Proxy Jerry Landau
Bill Montgomery	Maricopa County Attorney Proxy Mark Faull <i>(held proxy until 2:24 p.m.)</i>
Barbara LaWall	Pima County Attorney Proxy Amelia Cramer <i>(held proxy until 2:20 p.m.)</i>
David Rozema	Coconino County Attorney Proxy Jane Nicoletti-Jones
George Silva	Santa Cruz County Attorney Proxy Liliana Ortega
Michael Whiting	Apache County Attorney Proxy Sheila Polk

STAFF PRESENT

Elizabeth Ortiz	Executive Director
Diana Cooney	Office Manager
Elizabeth Iniguez-Reyna	Meeting & Technology Coordinator
Hayley Zimmerman	Administrative Assistant

GUESTS PRESENT

Paul Ahler	Chief Counsel-Criminal Division, Attorney General's Office
Jeremy Ford	Chief Deputy Greenlee County Attorney
Karen Hobbs	Chief Deputy LaPaz County Attorney
Kathleen Mayer	Deputy Pima County Attorney

Ms. Sheila Polk introduced Captain E. Kazmierczak and Sergeant J. Dickinson of the Tucson Police Department. Additional security will be present during the APAAC Annual Prosecutor Conference to maximize the safety of all attendees.

CONSENT AGENDA

Ms. Polk presented the consent agenda, including minutes from the May 26, 2016, Council meeting, for approval. Mr. Jon Smith made a motion, seconded by Mr. Brad Beauchamp, to accept the consent agenda. Motion carried.

CHAIR'S REPORT

On behalf of the Council, Ms. Polk and Ms. Elizabeth Ortiz spotlighted each of the APAAC staff in appreciation of their hard work and individual contributions in support of the prosecution community.

GOVERNOR'S OFFICE UPDATE

Due to a scheduling conflict, the update will be given at a future Council meeting.

SELECTION OF 2016 APAAC SUPPORT STAFF PERSON OF THE YEAR

Ms. Ortiz announced the 2016 Support Staff Person of the Year Award nominees. A roll call vote of the Council members was taken to determine the winner, who will be announced at the APAAC Support Staff Conference on July 8, 2016, in Prescott, AZ.

EXECUTIVE SESSION

Ms. Polk announced that the performance evaluation of APAAC's Executive Director, Ms. Ortiz, would be discussed in Executive Session. Mr. Jerry Landau made a motion, seconded by Ms. Barbara LaWall, for the Council to go into Executive Session. Motion carried. Non-Council members were excused from the meeting room during this session. Council returned from Executive Session at 2:45 p.m.

FINANCE COMMITTEE REPORT

Ms. Derek Rapier presented APAAC's Financial Reports for April 2016 and May 2016, as recommended for approval by the Finance Committee. Mr. Rapier made a motion, seconded by Mr. Brian McIntyre, to approve the APAAC Financial Reports for April 2016 and May 2016. Motion carried.

Mr. Rapier stated that APAAC staff was alerted to and has researched a previous Council directive set out in the approved minutes from the August 2, 2011, Council meeting, which was to have modified the APAAC salary step schedule to reflect a 1.54% market adjustment (COLA) effective July 1, 2011. Ms. Ortiz acknowledged that, due to staff oversight, only two of the five job titles received the 1.54% salary step adjustment. Mr. Rapier presented two recommendations from the Finance Committee: (1) To approve modification of APAAC's current salary step schedule to reflect the 1.54% increase to the three job titles previously not adjusted, with an effective date of July 1, 2011; and, (2) To approve a retroactive payment to the current APAAC employees under the modified salary steps, from June 30, 2016, back to their hire date but not beyond the July 1, 2011, effective date. Mr. Rapier made a motion, seconded by Mr. Tony Rogers, for Council to retroactively apply the 1.54% COLA to the current staff. Motion carried.

Mr. Rapier presented the Finance Committee's recommendation to Council for approval of the APAAC FY17 Proposed Budget - Version 4. Mr. Rapier highlighted the proposed budget's reduced revenue projections, lower payroll and benefits costs as a result of a personnel vacancy, and seminar costs savings in the area of attendee travel reimbursement. Ms. Polk stated that the APAAC FY17 Proposed Budget - Version 4 includes the 1.54% COLA adjustment and a one-step salary increase for current full-time employees. Ms. Polk noted that staff will make a slight adjustment to the FY17 Proposed Budget - Version 4, to budget for the new employee's salary at step 7 of the current schedule. Mr. Rapier made a motion, seconded by Mr. Tobin Sidles, to accept the APAAC FY17 Proposed Budget - Version 4, with the slight salary adjustment. Motion carried.

#### BEST PRACTICES COMMITTEE REPORT

Ms. Ortiz referred Council to the seminar report attachment showing two Criminal Year in Review trainings in May 2016, co-sponsored by APAAC and CLEWest. The seminar report shows 400 attendees at APAAC's 2016 Annual Prosecutor Conference.

Ms. Ortiz reminded members there will not be a Council meeting in July. The next Council meeting is scheduled for August 5, 2016, in Prescott. Ms. Polk announced that, in conjunction with the Council meeting, her office has arranged a group tour of the Ruger facility in Prescott on Thursday, August 4, 2016, at 1:00 p.m. Ms. Polk provided Council members a copy of Ruger's Visitor and Non-Disclosure Form that must be completed by anyone planning to attend the group tour. APAAC staff will also send the form out electronically. All completed forms should be sent back to APAAC, who will collect and forward the forms to Ruger. Ms. Polk announced she will host a Council dinner at her residence in Prescott on Thursday, August 4, 2016; more details to follow.

Ms. Ortiz announced that the APAAC FY17 Training Calendar is now available. APAAC continues to work to bring NDAA trainings to Arizona, specifically their capital litigation course. Ms. Ortiz is currently negotiating to secure 40 travel slots for that training, in exchange for her teaching at two future NDAA capital litigation trainings.

Ms. Ortiz stated APAAC is working to partner with AACo to offer at their winter conference an APAAC training for newly appointed and/or newly elected Council

members. Ms. Ortiz invited input and asked that Council members direct any ideas for topics to her attention.

Ms. Amelia Cramer, co-chair with Mr. Jon Eliason on the newly formed Lethality Assessment Working Group, provided an update following the group's first meeting in May 2016. Ms. Cramer stated the group's primary mission is to evaluate current lethality assessments and develop a standard protocol to be implemented consistently statewide. The concept will connect victims with resources at service providers and provide lethality assessment information to the court at initial appearances for implementation of conditions of release.

#### FAMILY ADVOCACY CENTER ENDORSEMENT

Mr. Lando Voyles referred Council to a June 3, 2016, letter from his office to Ms. Lisa Glow and Ms. Kathy McLaughlin of the Arizona Child & Family Advocacy Network (ACFAN) endorsing the child advocacy center (CAC) model as the "gold standard" in investigating and prosecuting child abuse and neglect. Ms. Glow and Ms. McLaughlin are asking APAAC to support the CAC model with its endorsement. Discussion followed. Mr. Sidles made a motion, seconded by Mr. Voyles, for APAAC to endorse as a best practice, depending on funding availability, to go to a multi-disciplinary approach, such as in the child advocacy center, for child crimes. Mr. McIntyre offered a friendly amendment to include both "child advocacy center and family advocacy center" in the endorsement. The friendly amendment was accepted by both Mr. Sidles and Mr. Voyles. Motion carried.

#### NACo/AACo REPORT

Mr. Voyles and Mr. Carlyon jointly reported that the Arizona Association of Counties' (AACo) Leadership Conference will be held June 22-24, 2016, at the Sheraton Crescent in Phoenix. Also, the National Association of Counties' (NACo) Annual Conference is scheduled for July 22-25, 2016 in Long Beach, California, where they will be adopting criminal justice resolutions.

#### NDAA REPORT

Mr. Rapier announced he will be attending the National District Attorneys Association (NDAA) National Victims' Rights Summit 2016 in Boston on July 16-19, 2016. Ms. Ortiz, as the NAJIS representative on the NDAA board, will also attend the Summit. As Mr. Rapier will no longer be serving on the NDAA Board of Directors, Ms. Polk encouraged Council members who may be interested in the role as Arizona's director for NDAA to contact Ms. Ortiz.

#### CALL TO THE PUBLIC

Ms. Kathleen Mayer updated the Council on her continuing efforts to address the issue of involuntary commitment and dangerous/non-restorable defendants. Ms. Mayer reported that the governor's office wants a legislative study committee to review the issue. Meetings will commence in August 2016, with the goal of filing a report by the end of December 2016. In the meantime, Ms. Mayer will work with APAAC staff to send

Council members the specific legislative language to help offices identify which defendants may have been considered for participation in the involuntary commitment process, which can be reported back to Ms. Mayer for review by the study committee.

Mr. Rapier announced he will not be running for re-election as Greenlee County Attorney. Current Chief Deputy Jeremy Ford is running alone in the election and should be joining APAAC in January as the newly elected Greenlee County Attorney. Mr. Rapier said he has been honored to serve on the Council for the last twenty years.

#### NEXT COUNCIL MEETING

The next Council meeting is scheduled for Friday, August 5, 2016, at 9:00 a.m., at the Prescott Resort and Conference Center in Prescott, Arizona.

#### ADJOURNMENT

Ms. Polk declared the meeting adjourned at 3:38 p.m.